

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GM CASTING HOUSE INC.) Case No. 1:24-cv-01821
)
Plaintiff,)
) STATUS REPORT
v.)
)
FOREVER COMPANIES, INC.)
)
Defendant.)
)
)

Pursuant to this Court’s Minute Orders dated October 28, 2024 (ECF No. 35) and November 21, 2024 (ECF No. 40), Plaintiff GM Casting House Inc. (“GM”) submits the following status report “setting forth what discovery has been completed, what discovery remains, and whether any discovery disputes require the Court’s attention.” GM is filing this status report unilaterally because, after GM emailed its proposed joint status report to counsel for Defendant Forever Companies, Inc. dba Diamond Nexus (“Diamond Nexus”), counsel for Diamond Nexus neither concurred in the filing of this document nor granted permission to use any electronic signature.

1. Completed Discovery

GM and Diamond Nexus exchanged initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on June 14, 2024.

GM served its first sets of interrogatories and requests for production on Diamond Nexus on July 12, 2024. Diamond Nexus served its first sets of interrogatories and requests for production on GM on July 15, 2024. In light of ongoing settlement discussions, the parties mutually agreed to extend their respective deadlines to respond to the discovery requests. Diamond Nexus’ responses were due October 23, 2024 but failed to respond. On October 25, 2024, GM responded to the written discovery served on them.

2. Remaining Discovery

GM anticipates serving additional interrogatories and requests for production on

Diamond Nexus and to take deposition(s) of Diamond Nexus once GM receives Diamond Nexus' responses to the first sets of written discovery. GM also intends to serve requests for admission on Diamond Nexus in the next several months. GM also anticipates third party discovery will be prepared and served. Additionally, GM anticipates expert discovery will be necessary.

3. Discovery Disputes

As noted above, Diamond Nexus's responses to discovery were due on October 23, 2024. However, GM did not receive written objections or responses from Diamond Nexus by this deadline. On October 24, 2024, counsel for GM requested to meet and confer with counsel for Diamond Nexus pursuant to Local Rule 37.2 to discuss Diamond Nexus' failure to respond to discovery. Counsel for Diamond Nexus, Daniel R. Woods, responded: "[m]y firm and I are withdrawing from the case, and will not be in position to prepare responses to Plaintiff's discovery." On November 12, 2024, Mr. Woods, on behalf of himself, James Rozak, and the Law Firm of Goldberg Segall, filed a Motion to Withdraw (ECF No. 37), which was granted by the Court on November 19, 2024 (ECF No. 39).

On October 24, 2024, counsel for GM asked whether co-counsel for Diamond Nexus, Edmund J. Ferdinand III, will continue to represent Diamond Nexus and whether he would agree to meet and confer regarding his client's failure to respond to discovery. Mr. Ferdinand responded only with: "I will plan to withdraw as well."

On November 18, 2024, GM filed its Unopposed Motion to Compel. (ECF No. 38). On November 13, 2024, pursuant to Local Rule 37.2 and prior to filing the Unopposed Motion, counsel for GM conferred by video conference with Mr. Ferdinand III in an effort to resolve these disputes. The parties, however, were unable to reach an accord. Counsel for Diamond Nexus indicated that Diamond Nexus would not oppose this motion.

On November 21, 2024, the Court directed the parties "to meet and confer the outstanding discovery requests in an effort to resolve the pending motion to compel. The parties shall include an update regarding those efforts in the 12/16/24 joint status report." ECF No. 40. Pursuant to the Court's directive, counsel for GM emailed Mr. Ferdinand on December 6, 2024 to determine

whether there were any updates to his last statement that Diamond Nexus would not respond to the discovery and would not oppose the motion to compel. Mr. Ferdinand replied that same day confirming that there was no need to meet and confer because Diamond Nexus is “moving toward liquidation.”

4. Consent and Settlement Discussions

At the parties’ request, a settlement conference was held before the Honorable Young B. Kim on October 8, 2024. The parties were unable to resolve the case.

DATED: December 16, 2024

Tucker Ellis LLP

By: /s/Howard A. Kroll

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